

ENTERED

September 05, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

EAZ CHAY JR.,

Plaintiff,

V.

Civil Action No. 7:23-CV-00206

JOSE A. MONTIEL;
EDGAR HERNANDEZ;
CITY OF PHARR POLICE
DEPARTMENT; CITY OF PHARR;
HIDALGO COUNTY, TEXAS;
CAMERON COUNTY, TEXAS;
UTB/TSC; AND
WELLS FARGO BANK.

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the August 13, 2024, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Nadia S. Medrano. (Dkt. No. 54). Judge Medrano made findings and conclusions and recommended that Plaintiff’s Motion for Entry of Default Judgment, (Dkt. No. 15), be denied; and Plaintiff’s Motion for Default Judgment, (Dkt. No. 17), be denied.

The Parties were provided proper notice and the opportunity to object to the M&R.

See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On August 27, 2024, Plaintiff filed five objections. (Dkt. No. 58). First, Plaintiff objects to Judge Medrano’s alleged failure to apply Federal Rule of Civil Procedure 15(a)(A) to Plaintiff’s First Amended Complaint. (*Id.* at 9). Second, Plaintiff objects to Defendants’ Motion to Dismiss as being of “[n]o

legal [e]ffect." (*Id.*) Third, Plaintiff appears to object to Judge Medrano's conclusion about when the lawsuit started. (*Id.*) Fourth, Plaintiff objects to Defendants' allegedly void answers. (*Id.*) Fifth, Plaintiff objects to Defendants' allegedly fraudulent behavior. (*Id.*).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that: Judge Medrano's M&R, (Dkt. No. 54), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and

- (1) Plaintiff's Motion for Entry of Default Judgment, (Dkt. No. 15), is **DENIED**; and
- (2) Plaintiff's Motion for Default Judgment, (Dkt. No. 17), is **DENIED**.

It is SO ORDERED.

Signed on September 5, 2024.

Drew B Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE